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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,980	06/06/2002	Harald Grewe	(H)01PH0405USP	5962
7590 12/05/2005			EXAMINER	
M Robert Kestenbaum 11011 Bermuda Dunes N E Albuquerque, NM 87111			SQUIRES, BRETT S	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/018,980

Applicant(s)

GREWE ET AL.

Examiner

Brett S. Squires

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 21-42.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

The information disclosure statement filed November 17, 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the information disclosure statement was filed after the mailing date of the final action (July 12, 2005). The statement specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p) are required and only the fee set forth in 37 CFR 1.17(p) was submitted with the information disclosure statement. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

The incorporation of the limitations of claim 24 into claim 21 creates a modified independent claim that was previously examined and found to be obvious over Ying (US 6,147,967) and Schminke (US 4,594,634). The examiner maintains this rejection of modified independent claim and respectfully points out that none of the previously presented dependent claims claimed dependency from claim 24. Thus the dependent claims were never examined containing the limitations of claim 24 and a new combination of claimed subject matter is being presented for all of the previously presented dependent claims.

In response to applicant's argument that Schminke is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Schminke is reasonably pertinent to the particular problem with which the applicant was concerned because both the applicant and Schminke are concerned with protection against over-current conditions such as short circuits.

In response to applicant's amendment to claim 21 to distinguish the invention from Ying, the examiner respectfully points out that deleting the term "at least" does not further limit the scope of the claim to an apparatus having only one supply voltage input because the claim is written in open format and thus does not exclude additional unrecited elements or steps. See MPEP 2111.03 [R-2].

In response to applicant's argument that the modules disclosed by Ying could also be connected in parallel, the examiner maintains his position that the modules disclosed by Ying are connected in a series loop connection and points the applicant toward figures 7A-8G ref# 704, col. 14 lines 22-32, and claims 1 and 12 which specifically recite "a plurality of slave nodes connected to said master node in series connection."

In response to applicant's argument that Ying does not provide a device for disconnecting the supply voltage from the bus unit, the examiner would like to point out that switches in the shunt circuits of the bus unit (figures 7-8 ref# 712 and abstract) are used for isolating the bus units from the bus. When the bus being used has both power and data lines the switches in the shunt circuit for isolating the bus units from the bus will disconnect the bus unit from both the power and data lines, thereby isolating the bus unit from bus. The examiner would like to further point out that the fault isolation system disclosed by Ying is for isolating faults in a distributed control network and providing power to an uncontrolled bus unit would pose both safety and fire hazards.

In response to applicant's argument that Ying does not show an ascertaining device for ascertaining at least one electrical variable at the supply voltage output rather Ying show a CPU for controlling the network, the examiner respectfully points that applicant to the CPU figure 3 ref# 315 and the power control block figure 3 ref# 317 connected to it (col. 5 lines 34-67, col. 10 lines 9-34, col. 13 lines 60-67, col. 14 lines 1-21).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett S. Squires whose telephone number is (571)272- 2268. The examiner can normally be reached on 9am-5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2058.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brett Squires
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Art Unit 2836



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